

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
CIVIL CASE NO. 2:09-cv-00016-MR-DLH
(CRIMINAL CASE NO. 2:06-cr-00010-MR-DLH-1)**

BRUCE LEE RICHARDSON,)
)
 Petitioner,)
)
 vs.)
)
UNITED STATES OF AMERICA,)
)
 Respondent.)

)

ORDER

THIS MATTER is before the Court on Petitioner’s “Motion to Re-Open Defendant’s motion for Post-Conviction Relief Pursuant to Fed. R. Civ. P. 60(b)(6)” [Doc. 10].

This is Petitioner’s second Rule 60 motion. In his motion, Petitioner reasserts the same contentions made in both his initial § 2255 motion and his initial Rule 60 motion. The Court finds no reason to re-examine the rulings previously made in its prior Orders. [See Docs. 3, 5]. Accordingly, the Petitioner’s Motion is denied.

Pursuant to Rule 11(a) of the Rules Governing Section 2255 Cases, the Court declines to issue a certificate of appealability as Petitioner has not made a substantial showing of a denial of a constitutional right. 28

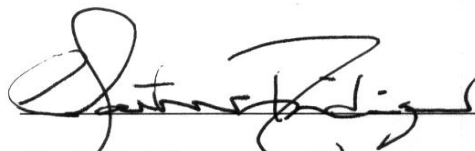
U.S.C. § 2253(c)(2); Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003) (in order to satisfy § 2253(c), a petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong); Slack v. McDaniel, 529 U.S. 473, 484 (2000) (holding that when relief is denied on procedural grounds, a petitioner must establish both that the correctness of the dispositive procedural ruling is debatable, and that the petition states a debatably valid claim of the denial of a constitutional right).

IT IS, THEREFORE, ORDERED that Petitioner's "Motion to Re-Open Defendant's motion for Post-Conviction Relief Pursuant to Fed. R. Civ. P. 60(b)(6)" [Doc. 10] is **DENIED**.

IT IS FURTHER ORDERED that pursuant to Rule 11(a) of the Rules Governing Section 2255 Cases, the Court declines to issue a certificate of appealability.

IT IS SO ORDERED.

Signed: September 30, 2014


Martin Reidinger
United States District Judge

